

WILMERHALE

September 30, 2016

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Hon. Mae A. D'Agostino
United States District Court
Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway, Room 441
Albany, NY 12207

Re: *Smith v. Perlman*, No. 9:11-cv-20 (MAD/CFH) (N.D.N.Y.)

Dear Judge D'Agostino:

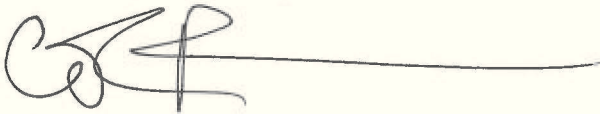
I am *pro bono* counsel to Plaintiff Aurel Smith in the above-referenced matter. Further to my September 21, 2016 letter to the Court, I write to provide a status report.

Counsel for the parties have conferred and agree that it may be productive to explore whether a resolution of this matter by settlement can be achieved to avoid further litigation. Accordingly, the parties jointly request that the Court stay proceedings to permit them sufficient time to engage in such discussions. The parties propose to submit a letter to the Court with a further status update by October 31, 2016.

Should the parties be unable to agree on a resolution, Plaintiff intends to request that the Court reopen limited discovery so that Plaintiff may obtain certain necessary and highly relevant discovery from Defendants prior to trial, which would be consistent with the Second Circuit's summary order. *See* Summary Order at 3 n.3 (noting that the "current record is rather thin with respect to facts concerning [Plaintiff's] RLUIPA claim" and remanding to permit the parties "to develop a further record of the relevant facts").

We of course remain available for a status conference should the Court wish.

Sincerely,



Colin Reardon
Attorney for Plaintiff Aurel Smith

cc: Bruce Boivin (via e-mail)
Kevin Hayden (via regular mail)